

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MARK DANIEL GREELEY,	:
Petitioner	:
v.	: Case No. 3:12-cv-71-KRG-KAP
MICHAEL HARLOW, WARDEN,	:
S.C.I. MERCER,	:
Respondent	:

Report and Recommendation

Recommendation

Petitioner's motion to reconsider, docket no. 7, docket no. 9, should be denied.

Report

After petitioner's habeas corpus petition attacking a Clearfield County sentence, docket no. 3, was denied as untimely, see docket no. 2 (Report and Recommendation), docket no. 6 (Memorandum Order), petitioner filed a motion to reconsider, essentially stating the same grounds raised in his objections. He also filed a notice of appeal, docket no. 10. The motion to reconsider should be denied. Petitioner adds nothing to show his petition was timely, and even if the court reached the merits of petitioner's three claims: (1) counsel was ineffective, in 2005 and 2007, for failing to recognize petitioner's alleged aphasic condition, diagnosed in 2010; (2) Pennsylvania has no valid criminal laws; and (3) prosecution by information and not indictment violates the Fifth Amendment, the court would reject them as meritless. Compare Greeley v. Harlow, Case No. 2:12-cv-650-KRG-KAP

(W.D.Pa. July 12, 2012)(attacking, on the same grounds, a contemporary Clarion County sentence).

Pursuant to 28 U.S.C. § 636(b)(1), the parties are given notice that they have fourteen days to serve and file written objections to this Report and Recommendation.

DATE: July 13, 2012

Keith A. Pesto  
Keith A. Pesto,  
United States Magistrate Judge

Notice to counsel of record by ECF and by U.S. Mail to:

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